9312 RAMIREZ COURT



BUILDING AND STANDARDS BOARD AGENDA ITEM #5 FOR WEDNESDAY, JANUARY 29, 2014

ENVIRONMENTAL SERVICES DEPARTMENT CODE COMPLIANCE DIVISION

MEMORANDUM January 1, 2014

TO: The Honorable Chairman and Board Members

THROUGH: Elda Hefner Rodriguez, Division Manager, Code Compliance Department

FROM: Ron Roth, C.B.O., Deputy Building Official

SUBJECT: 9312 Ramirez Court, El Paso, TX 79907

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated on November 04, 2013. This single family dwelling was built in 1961, constructed of wood framed system in walls and roof, and a concrete slab foundation. The exterior walls finish consists in a combination of plaster and siding. The interior walls and ceilings finish consists in gypsum board. Attempts to maintain the structure secure have become unsuccessful. The structure was found accessible to vagrants. The structure got fire on or about 2009. There are weeds, trash, debris and accumulation of combustibles throughout the property.
- 2) A certified condemnation letter was mailed to Juan Torres and wife Ernestina E. Torres.
- 3) Certified notices of the public hearing scheduled for January 29, 2014, were mailed to the owners and all interested parties on January 09, 2014.
- 4) As of January 06, 2014, \$12,949.52 is owed in taxes

The owner has been notified of the property violations at this property, to date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

- 1) That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the structure cannot be rehabilitated; and
- 5) That the structure be demolished within thirty (30) days; and
- 6) That the premises be cleaned and maintained clean of all trash, and debris within 30 days; and
- 7) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Code Compliance Division November 05, 2013 **NOTICE OF VIOLATION**

TORRES JUAN & ERNESTINA E 8947 GEMOTES PL EL PASO, TX 79907-5403

Re: 9312 RAMIREZ CT

Blk: SINGH #3

Lot: 286 (6738 SQ FT)

Zoned: R4 ENHS13-00190

9171999991703077389329

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

18.50.108.1 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Title 2.38 of the Municipal Code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50.108.1.1 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible

18.50.108.1.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

18.50.108.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by

this code, or because the location of the structu.re constitutes a hazard to the occupants of the structure or to the public

The structure located at **9312 RAMIREZ CT** is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- e. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3., 308.3.1, 308.3.2]
- f. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3]
- g. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5]
- h. The building must comply with the minimum criteria of the provisions for required facilities. [Sec. 502.1, 502.2, 502.3, 502.4,502.4.1, 502.5]
- i. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- j. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- k. The building must comply with the minimum criteria of the provisions for water systems. [Sec. 505.1, 505.2, 505.3, 505.4]
- I. The building must comply with the minimum criteria of the provisions for sanitary drainage systems. [Sec.506.1, 506.2, 506.3]
- m. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]

- n. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]
- o. The building must comply with the minimum criteria of the provisions for electrical facilities. [Sec. 604.1,604.2, 604.3, 604.3.1, 604.3.1.1, 604.3.2, 604.3.2.1]
- p. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- q. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- r. Means of egress & Emergency escape opening A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- s. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. [Sec. 703.1, 703.2]
- t. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times. [Sec. 704.1, 704.1.1, 704.2, 704.3, 704.4.]
- The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- v. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Environmental Services Department, Code Compliance Division.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Title 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.10.3.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Environmental Services Department, Code Compliance Division because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Code Compliance Division office, 7969 San Paulo Dr., El

Paso, Texas, 79907, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 599-6290.

Janeth Loya Building Inspector

NOTICE OF PUBLIC HEARING

To all interested parties:

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the "Commission", at the following time and place:

LOCATION: City Hall, City Council Chambers, 300 N. Campbell Street, 1st Floor, El Paso, Texas 79901

DATE: January 29, 2014

TIME: 5:30 p.m.

PROPERTY: 9312 RAMIREZ COURT, EL PASO, TEXAS also described as Lot 286, SINGH ADDITION to the City of El Paso, El Paso County, Texas according to the Map of said addition on file in the Office of the County Clerk of El Paso County, Texas, also known as 9312 Ramirez Street, El Paso County, Texas.

The Property has been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, Juan Torres and wife Ernestina E. Torres, 8947 Gemotes Pl, El Paso, TX 79907-5403, are the owners, herein after referred to as the "Owners" of the Property. If you no longer own or have an interest in the Property, you must execute an affidavit stating that you no longer own or have an interest in the Property and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907, no later than the 20th day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the Property, even if you do not.

On or about November 04, 2013 an inspection of the Property was conducted by the Environmental Services Division and the following violations were identified:

a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]

- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- e. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3.3, 308.3.1, 308.3.2]
- f. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3]
- g. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5]
- h. The building must comply with the minimum criteria of the provisions for required facilities. [Sec. 502.1, 502.2, 502.3, 502.4,502.4.1, 502.5]
- i. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- j. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- k. The building must comply with the minimum criteria of the provisions for water systems. [Sec. 505.1, 505.2, 505.3, 505.4]
- 1. The building must comply with the minimum criteria of the provisions for sanitary drainage systems. [Sec.506.1, 506.2, 506.3]
- m. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- n. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]
- o. The building must comply with the minimum criteria of the provisions for electrical facilities. [Sec. 604.1,604.2, 604.3, 604.3.1, 604.3.1, 604.3.2, 604.3.2.1]
- p. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]

- q. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- r. Means of egress & Emergency escape opening A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- s. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. [Sec. 703.1, 703.2]
- t. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times. [Sec. 704.1, 704.1.1, 704.2, 704.3, 704.4]
- u. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- v. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Environmental Services Department, Code Compliance Division.

The Owners are entitled to show cause that the Property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owners advocate for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owners fail to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order. The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. The bylaws may be obtained at the Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907 or by calling (915) 599-6290.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM	APPROVED AS TO CONTENT
John R. Batoon	Ron Roth, C.B.O.
Assistant City Attorney	Deputy Building Official

	Richarda Duffy Momsen
Executed this day of	, 2014 on behalf of the City of El Paso
Texas, by Richarda Duffy Momsen in her c	apacity as City Clerk.
STATE OF TEXAS	
COUNTY OF EL PASO	

I, RICHARDA DUFFY MOMSEN, City Cleatrue and correct copy of the foregoing Notice regard COURT was PUBLISHED in the official City news 2014.	ding the property located at 9312 RAMIREZ
	Richarda Duffy Momsen
I certify that a true and correct copy of the foregoin 9312 RAMIREZ COURT was MAILED CERTIFIE	
Juan Torres and wife Ernestina E. Torres 8947 Gemotes Pl El Paso, TX 79907-5403	
	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the foregoin 9312 RAMIREZ COURT was HAND-DELIVERE City of El Paso C/O City Clerk 300 N. Campbell El Paso, TX 79901	
	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the foregoin 9312 RAMIREZ COURT was MAILED CERTIFIE	
Governor of the Ysleta Del Sur Pueblo Indian Tribe AKA Tigua Indian Community 119 S. Old Pueblo Road El Paso, Texas 79907	
LII abo, Ionab 17701	Date:
	Time:
	Inspector:

I certify that a true and correct copy of the foregoing Notice regarding the property at 9312 RAMIREZ COURT was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District		
5801 Trowbridge Ave.		
El Paso, Texas 79925		
	Date:	
	Time:	
	Inspector:	
I certify that a true and correct copy of the for 9312 RAMIREZ COURT was MAILED CER	regoing Notice regarding the property at RTIFIED-RETURN RECEIPT REQUESTED to	э:
El Paso County Clerk, Probate Dept.		
500 E. San Antonio Avenue, Suite 105		
El Paso, Texas 79901		
,	Date:	
	Time:	
	Inspector:	
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UNSAFE STRUCTURES REPORT

CODE COMPLIANCE DIVISION

DATE OF EXAMINATION: December 17, 2013 **REP. DISTRICT:** 6

ADDRESS: 9312 Ramirez Court ZONED: R-4

LEGAL DESCRIPTION: Lot 286, SINGH ADDITION to the City of El Paso, El Paso County, Texas according to the Map of said addition on file in the Office of the County Clerk of El Paso County, Texas, also known as 9312 Ramirez Street, El Paso County, Texas.

OWNER: Juan Torres and wife Ernestina E. Torres **ADDRESS:** 8947 Gemotes Pl

El Paso, TX 79907-5403

BUILDING USE: Abandoned and fire damaged main and accessory structures.

TYPE OF CONSTRUCTION: Type V, wood framed system with plaster and siding.

FOOTINGS: Concrete slab.

CONDITION: Unable to determine condition due to subterranean placement. A structural engineer should

be hired to evaluate actual condition.

FOUNDATION WALL: N/A

CONDITION: N/A

FLOOR STRUCTURE: Concrete slab on grade with vinyl and ceramic tile covering.

CONDITION: Poor. There is missing or broken tile in several areas exposing the concrete slab. A structural engineer will need to be hired to evaluate the conditions of the floor system and submit a report to this department on all corrective actions required to bring the system up to minimum code.

EXTERIOR WALLS: Plywood covered with plaster and/or siding. Unfinished wood framed accessory structures covered with metal sheet or plaster.

HEIGHT: 12' +/-**THICKNESS:** 10" +/-

CONDITION: Poor. Due to fire, vandalism, lack of maintenance and exposure to the elements, the structures are showing structural failure and are in advance state of disrepair. Exterior walls will require a structural engineer to evaluate the entire system for structural stability and submit a report to this department on all corrective actions required to bring the system up to minimum code.

INTERIOR WALLS & CEILINGS: Wood framing covered with gypsum board and/or wood siding. **CONDITION:** Poor. Due to fire, vandalism, lack of maintenance and exposure to the elements, the structures are showing structural failure and are in advance state of disrepair. Exterior walls will require a structural engineer to evaluate the entire system for structural stability and submit a report to this department on all corrective actions required to bring the system up to minimum code.

ROOF STRUCTURE: Wood framing covered w/composition shingles.

CONDITION: Poor. The roof system is deteriorated due to lack of maintenance and exposure to the elements. Some beams are displaced from their columns. A licensed roofing contractor in the state of Texas should be hired to evaluate the roofing system.

DOORS, WINDOWS, ETC.: Wood frame and metal frame windows some w/wrought iron guards. **CONDITION:** Poor. Several windows and doors are broken or missing due to vandalism and fire.

MEANS OF EGRESS: Does not meet code.

CONDITION: Poor.

PLUMBING: Poor. A licensed plumbing contractor must be hired to evaluate the entire plumbing system and submit a report to this department on the corrective action required to bring the system up to minimum code compliance.

ELECTRICAL: Poor. A licensed electrical contractor must be hired to evaluate the entire electrical system and submit a report to this department on the corrective action required to bring the system up to minimum code compliance.

MECHANICAL: Poor. A licensed mechanical contractor must be hired to evaluate the entire mechanical system and submit a report to this department on the corrective action required to bring the system up to minimum code compliance.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: Yes BARRICADED: No POLICE AID REQD.: No

REMARKS: The open, abandoned and fire damaged single family dwelling was built in 1961. Efforts to maintain the structure secure have become unsuccessful. The division recommends that the property be demolished and cleaned of all weeds, trash and debris within thirty (30) days.

Janeth Loya Building Inspector

TAX REPORT

